

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 FEDERAL NATIONAL MORTGAGE)
11 ASSOCIATION, A/KA FANNIE)
12 MAE,)
13 v.) Plaintiff,
14 ANDRES M. HERNANDEZ, JR.;)
15 JOSE LUIS HERNANDEZ; AND)
16 DOES 1 TO 10, INCLUSIVE,)
Defendants.)

No. CV 13-8783 UA (DUTYx)
ORDER SUMMARILY REMANDING
ACTION TO STATE COURT AND
PROHIBITING DEFENDANT FROM
FILING ANY FURTHER NOTICE OF
REMOVAL OF LOS ANGELES
SUPERIOR COURT CASE NO.
13F07052

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18 The Court will remand "Defendant, Jose Hernandez[']s Notice of Removal of the
19 Above Entitled Case to the United States District Court for the Central District of
20 California," Case No. 13F07052, to state court summarily because Defendant removed it
21 improperly.

22 On November 27, 2013, Defendant Jose Hernandez, having been sued in what
23 appears to be a routine unlawful detainer action in California state court, lodged a Notice
24 of Removal of that action to this Court and also presented an application to proceed
25 *in forma pauperis*. Defendant has previously removed this same unlawful detainer
26 proceeding on one prior occasion. On the prior occasion, this Court remanded the action
27 noting that federal jurisdiction does not exist.

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1 The Court has denied the *in forma pauperis* application under separate cover
 2 because the action, again, was not properly removed. To prevent the action from
 3 remaining in jurisdictional limbo, the Court issues this Order to remand the action to
 4 state court. Moreover, to prevent Defendant from further abusing the federal court to
 5 obstruct his state proceedings without any basis, the Court issues this order prohibiting
 6 him from filing any further notice of removal with respect to this unlawful detainer
 7 action.

8 Simply stated, as the Court has previously determined, Plaintiff could not have
 9 brought this action in federal court in the first place, in that Defendant does not
 10 competently allege facts supplying either diversity or federal-question jurisdiction, and
 11 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
 12 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
 13 complete diversity of citizenship existed, the amount in controversy does not exceed the
 14 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
 15 contrary, the unlawful-detainer complaint recites that the amount in controversy does not
 16 exceed \$10,000.

17 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
 18 28 U.S.C. §§ 1331, 1441(b).

19 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
 20 Superior Court of California, County of Los Angeles, Long Beach Courthouse, 275
 21 Magnolia Avenue, Long Beach, California 90802 for lack of subject matter jurisdiction
 22 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to
 23 the state court; and (3) that the Clerk serve copies of this Order on the parties.

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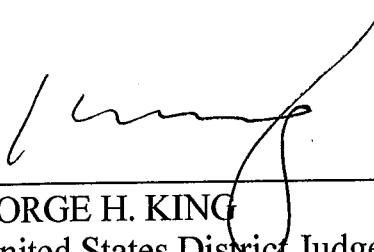
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1 IT IS FURTHER ORDERED that Jose Hernandez is prohibited from filing any
2 further Notice of Removals of this case from state court without an Order of the Court or
3 of the Chief Judge of the Central District of California allowing him to do so.

4 IT IS SO ORDERED.

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6 DATED: 12/11/13

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GEORGE H. KING
Chief United States District Judge

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11 Presented by:
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13 /S/ **FREDERICK F. MUMM**
14 FREDERICK F. MUMM
15 United States Magistrate Judge
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